

Interview Summary	Application No.	Applicant(s)	
	09/922,237	RONDEAU ET AL.	
	Examiner	Art Unit	
	Gerald B. Klebe	3618	

All participants (applicant, applicant's representative, PTO personnel):

(1) Gerald B. Klebe/Examiner/Art Unit 3618. (3) _____.

(2) Mr. Ian Schutter/Agent for Applicant/Reg No. 51094. (4) _____.

Date of Interview: 21,22 August 2003.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 3,4,15,16,26 and 39.

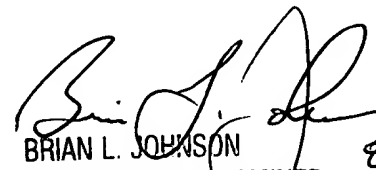
Identification of prior art discussed: US Patent 6523634.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: refer to attached sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


 BRIAN L. JOHNSON
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3618
 8/25/03

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

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Attachment to Interview Summary (Paper No. 8):

Substance of the Interview

The examiner telephoned the Attorney of Record (Mr. Paul T. Bowen, Reg. No. 38,009) on 21 August but was informed that Attorney Bowen was no longer with the Law Firm, and was referred to Agent Ian Schutter, Reg. No. 51094, who was handling the case.

The examiner reviewed the general aspects of the rejections made in the prior office action mailed 3/02/2003 (Paper No. 6) to which the amendment filed 6/09/2003 under 37 CFR 1.111 (Paper No. 7) constituted the Applicant's response.

The examiner further stated that upon reviewing the Applicant's amendment, it was felt that rejections of the claims could still be effected given the prior art of record. Therefore, the examiner proposed additional claims limitations that, with Applicant's approval, would be enterable by Examiner's amendment with a view towards allowance. In the telephone discussion, the Agent proposed some modifications that the examiner agreed to and the Agent then took the action to discuss these with the Applicant for approval of an examiner's amendment.

The claims changes proposed were as follows:

-Claim 3, line 8: add --centrally located-- between "a" and "storage compartment"

line 12: delete "at least one of";

-Claim 4: line 7: after the second occurrence of "and" insert: --a centrally located storage compartment formed in the support portion with an opening through which items may be placed into the storage compartment--;

line 8: after “raised support portions,” add --located laterally of the storage compartment and oriented-- ;

Similar recitations were proposed for claims 15 and 16.

- Claim 26, after line 2, add the limitation: --a centrally located storage compartment formed as a centrally located support portion of a fender structure;

In line 3 change the first occurrence of “a” to --the--

In line 4, after the first occurrence of “raised support portions” insert: --located laterally of the storage compartment--;

- Claim 39: after line 2 insert: --a centrally located storage compartment positioned within a fender structure—

In line 4, after “raised support portions” add: --located laterally of the storage compartment--.

Agent Schutter called back the following day (22 August) to state that he had reviewed the proposal for these claim changes with the Applicant, but the Applicant was not in agreement with certain of the proposed recitations and had proposed different changes in response. Several variants were discussed, but none elicited agreement from the examiner.

In a second topic of discussion of the interview, the examiner pointed out that, in the Remarks section of the Applicant’s amendment (Paper No. 7), in the course of addressing the rejection of claim 3, the Applicant stated that the fenders of the prior art reference (US 6523634, to Gagnon) were, in fact, made of plastic. The examiner pointed out to the Agent that it was just this limitation that was lacking explicitly in the reference as used by the examiner in the rejection of claim 26 in the previous Office action which caused that the rejection be made under 35 USC

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103 rather than under 35 USC 102 as could have been the case had this information been available to the Examiner at the time.

There being no agreement on claims amendments that would be expected to lead to allowance of the application, it was left to the examiner to then issue a written Office action in response to the outstanding amendment (Paper No. 7).

gbklebe / Art Unit 3618 / 22 August 2003